

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

UNILOC USA, INC. and UNILOC  
LUXEMBOURG S.A.,

Plaintiffs,

V.

DISTINCTIVE DEVELOPMENTS LTD.,

Defendant.

§ § § § §

CIVIL ACTION NO. 6:12-cv-462

## JURY TRIAL DEMANDED

**PLAINTIFFS' ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiffs Uniloc USA, Inc. (“Uniloc USA”) and Uniloc Luxembourg S.A. (“Uniloc Luxembourg”) (collectively, “Uniloc”) file this Original Complaint against Distinctive Developments Ltd. for infringement of U.S. Patent No. 6,857,067 (“the ’067 patent”).

## THE PARTIES

1. Uniloc USA, Inc. (“Uniloc USA”) is a Texas corporation with its headquarters and principal place of business at Legacy Town Center I, Suite 380, 7160 Dallas Parkway, Plano, Texas 75024. Uniloc USA also maintains a place of business at 315 North Broadway, Suite 307, Tyler, Texas 75702.

2. Uniloc Luxembourg S.A. (“Uniloc Luxembourg”) is a corporation organized and existing under the laws of Luxembourg with its principal place of business at 15, rue Edward Steichen, L-2540, Luxembourg.

3. Uniloc Luxembourg and Uniloc USA are collectively referred to as “Uniloc.”

Uniloc researches, develops, manufactures and licenses information security technology

solutions, platforms and frameworks, including solutions for securing software applications and digital content. Uniloc's patented technologies enable software and content publishers to securely distribute and sell their high-value technology assets with minimum burden to their legitimate end users. Uniloc's technology is used in several markets, including software and game security, identity management, intellectual property rights management, and critical infrastructure security.

4. Distinctive Developments Ltd. ("Distinctive Developments") is a limited company organized and existing under the laws of the United Kingdom with its principal place of business in Sheffield, England. Upon information and belief, Distinctive Developments does business in the State of Texas and in the Eastern District of Texas.

#### **JURISDICTION AND VENUE**

5. Uniloc brings this action for patent infringement under the patent laws of the United States, namely 35 U.S.C. §§ 271, 281, and 284-285, among others. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338(a), and 1367.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, Defendant is deemed to reside in this judicial district, has committed acts of infringement in this judicial district, has purposely transacted business involving its accused products in this judicial district and/or, has regular and established places of business in this judicial district.

7. Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this State and judicial district, including: (A) at least part of its infringing activities alleged herein; and (B) regularly doing or soliciting business, engaging in other persistent

conduct, and/or deriving substantial revenue from goods sold and services provided to Texas residents.

**COUNT I**  
**(INFRINGEMENT OF U.S. PATENT NO. 6,857,067)**

8. Uniloc incorporates paragraphs 1 through 7 herein by reference.

9. Uniloc Luxembourg is the owner, by assignment, of the '067 patent, entitled "SYSTEM AND METHOD FOR PREVENTING UNAUTHORIZED ACCESS TO ELECTRONIC DATA." A true and correct copy of the '067 patent is attached as Exhibit A.

10. Uniloc USA is the exclusive licensee of the '067 patent with ownership of all substantial rights in the '067 patent, including the right to grant sublicenses, exclude others and to enforce, sue and recover damages for past and future infringements.

11. The '067 patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

12. Distinctive Developments is directly infringing one or more claims of the '067 patent in this judicial district and elsewhere in Texas, including at least claim 107, without the consent or authorization of Uniloc, by or through making, using, offering for sale, selling and/or importing Android based applications for use on cellular phones and/or tablet devices that require communication with a server to perform a license check to prevent the unauthorized use of said application, including, but not limited to, Rugby Nations 11.

13. Uniloc has been damaged as a result of Defendant's infringing conduct described in this Count. Defendant is, thus, liable to Uniloc in an amount that adequately compensates it for Defendant's infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

**JURY DEMAND**

Uniloc hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

**PRAYER FOR RELIEF**

Uniloc requests that the Court find in its favor and against Defendant, and that the Court grant Uniloc the following relief:

- a. Judgment that one or more claims of the '067 patent has been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- b. Judgment that Defendant account for and pay to Uniloc all damages to and costs incurred by Uniloc because of Defendant's infringing activities and other conduct complained of herein;
- c. Judgment that Defendant account for and pay to Uniloc a reasonable, on-going, post judgment royalty because of Defendant's infringing activities and other conduct complained of herein;
- d. That Uniloc be granted pre-judgment and post-judgment interest on the damages caused by Defendant's infringing activities and other conduct complained of herein; and
- e. That Uniloc be granted such other and further relief as the Court may deem just and proper under the circumstances.

**Dated: July 20, 2012**

Respectfully submitted,

/s/ Barry J. Bumgardner (w/permission Wesley Hill)

Barry J. Bumgardner

Lead Attorney

Texas State Bar No. 00793424

Steven W. Hartsell

Texas State Bar No. 24040199

NELSON BUMGARDNER CASTO, P.C.

3131 West 7<sup>th</sup> Street, Suite 300

Fort Worth, Texas 76107

Phone: (817) 377-9111

Fax: (817) 377-3485

James L. Etheridge  
Texas Bar No. 24059147  
ETHERIDGE LAW GROUP, PLLC  
2600 E. Southlake Blvd., Suite 120 / 324  
Southlake, Texas 76092  
Telephone: (817) 470-7249  
Facsimile: (817) 887-5950  
Jim@EtheridgeLaw.com

T. John Ward, Jr.  
Texas State Bar No. 00794818  
E-mail: jw@wsfirm.com  
J. Wesley Hill  
Texas State Bar No. 24032294  
E-MAIL: WH@WSFIRM.COM  
WARD & SMITH LAW FIRM  
P.O. Box 1231  
1127 Judson Rd., Ste. 220  
Longview, Texas 75606-1231  
(903) 757-6400  
(903) 757-2323 (fax)

**Attorneys for Plaintiffs**  
**Uniloc USA, Inc. and Uniloc Luxembourg S.A.**